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6 UNITED STATES BANKRUPTCY COURT
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA
8 SAN FRANCISCO DIVISION

9 PG&E CORPORATION and
PACIFIC GAS & ELECTRIC COMPANY,
10 Debtors.,
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Case No. 19-30088 (DM)

**JOINDER OF DIABLO WINDS, LLC TO
NEXTERA ENERGY, INC.'S, MOTION
FOR LIMITED RELIEF FROM STAY TO
PARTICIPATE IN APPELLATE
PROCEEDINGS WITH RESPECT TO
FERC ORDERS**

Date: 6/26/2019
Time: 9:30 a.m. PST
Place: United States Bankruptcy Court
Courtroom 17, 16th Floor
San Francisco, CA 94102
Objection Deadline: June 21, 2019
4:00 p.m. (PST)

18 Diablo Winds, LLC (“Diablo”), a party in interest in the above-captioned cases, through
19 its counsel Holland & Hart LLP, hereby joins in NextEra Energy, Inc., and NextEra Energy
20 Partners, L.P.’s (collectively, “NextEra”), Motion for Limited Relief from Stay to Participate in
21 Appellate Proceedings with Respect to FERC Orders [Docket No. 2400] (the “Motion”).¹ In
22 support hereof (the “Joinder”), Diablo respectfully represents as follows:
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28 ¹ Capitalized terms used herein and not otherwise defined shall have their meaning set forth in the Motion.

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JOINDER

By its Motion, NextEra seeks permission to participate in the Debtors' appeal of the FERC Orders. Diablo joins in the Motion and seeks the same relief for the same reasons as set forth in the Motion. Diablo is also a PPA Counterparty and intervenor in the FERC Proceedings and has a direct stake in any appeal of the FERC Orders. Diablo has a substantial interest in the subject matter of the FERC proceedings, and it would be inequitable to allow the Debtors to appeal the FERC Orders without affording Diablo the opportunity to participate in any such appeal.

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CONCLUSION

For the reasons set forth herein, Diablo respectfully requests that the Court enter an order, substantially in the form of the Exhibit A, (i) lifting the automatic stay to the extent necessary to permit Diablo to (a) seek leave from the applicable Circuit Court of appeals to intervene in any appeal of the FERC Orders; (b) to the extent permitted by the applicable circuit court of appeals, participate in and prosecute to conclusion any appeal of the FERC Orders; (c) seek or oppose any request for rehearing, rehearing *en banc*, petition for writ of certiorari; (d) participate in the briefing and argument relating to any and all the foregoing; and (e) participate in any proceedings on remand of the FERC Orders; (ii) lifting the automatic stay to the extent necessary to generally allow all courts and administrative agencies with jurisdiction over the appeal or remand to enter final orders relating thereto; and (iii) granting such other and further relief as is just and proper.

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NOTICE

Notice of this Joinder will be provided to (i) the Office of the U.S. Trustee for Region 17 (Attn: Anthony R. Vara, Esq. and Timothy Laffredi, Esq.); (ii) counsel to the Debtors; (iii) counsel to the Creditors Committee; (iv) counsel to the Tort Claimants Committee; (v) the Securities and Exchange Commission; (vi) the Internal Revenue Service; (vii) the Office of the California Attorney General; (viii) the California Public Utilities Commission; (ix) the Nuclear Regulatory Commission; (x) the Federal Energy Regulatory Commission; (xi) the Office of the United States Attorney for the Northern District of California; (xii) counsel for the agent under

1 the Debtors' debtor-in-possession financing facility; (xiii) counsel to the PPA Counterparties;
2 and (xiv) those persons who have formally appeared in these chapter 11 cases and requested
3 service pursuant to Bankruptcy Rule 2002.

4 Diablo respectfully submits that no further notice is required.

5 No previous request for the relief sought herein has been made by Diablo to this or any
6 other court.

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8 DATED this 7th day of June 2019.

9 Respectfully submitted,

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11 s/Risa Lynn Wolf-Smith
12 Risa Lynn Wolf-Smith
13 HOLLAND & HART LLP
14 555 17th Street, Suite 3200
15 Denver, CO 80202-3979

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17 *Attorneys for DIABLO WINDS, LLC*
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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2019, I caused a copy of the foregoing to be served by electronic mail upon all parties receiving notice through the Court’s CM/ECF Noticing System.

And Via U.S. Mail:
The Debtors, c/o PG&E Corporation and Pacific Gas and Electric Company
Attn: Janet Loduca, Esq.
P.O. Box 770000
77 Beale Street
San Francisco, CA 94105

/s/Lela Lopez Velasquez
Lela Lopez Velasquez
Holland & Hart LLP

EXHIBIT A

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8 UNITED STATES BANKRUPTCY COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11 PG&E CORPORATION and
12 PACIFIC GAS & ELECTRIC COMPANY,
13 Debtors.,
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Case No. 19-30088 (DM)

**ORDER GRANTING JOINDER OF
DIABLO WINDS, LLC TO NEXTERA
ENERGY, INC.'S, MOTION FOR
LIMITED RELIEF FROM STAY TO
PARTICIPATE IN APPELLATE
PROCEEDINGS WITH RESPECT TO
FERC ORDERS**

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18 The Court having considered the Joinder of Diablo Winds, LLC to Nextera Energy, Inc.
19 and NextEra Energy Partner, L.P.'s, Motion For Limited Relief From Stay To Participate In
20 Appellate Proceedings With Respect To FERC Orders [Dkt. No. 2400], dated June 5, 2019, filed
21 by Diablo Wind, LLC ("Diablo"), and this Court having held a hearing on the Motion, and good
22 cause appearing therefor pursuant to Bankruptcy Code section 362(d)(1).

23 **IT IS HEREBY ORDERED THAT:**

- 24 1. The Motion is granted.
- 25 2. The automatic stay is lifted to the extent necessary to permit Diablo to (a) seek
26 leave from the applicable Circuit Court to intervene in any appeal of the FERC Orders, (b) to the
27 extent permitted by the applicable Circuit Court, participate in and prosecute to conclusion any
28 appeal of the FERC Orders; (c) seek or oppose any request for rehearing, rehearing *en banc*,

1 petition for writ of certiorari in connection with any appeal of the FERC Orders; (d) participate
2 in the briefing and argument relating to any and all the foregoing; and (e) participate in any
3 proceedings on remand of the FERC Orders.

4 3. The automatic stay is lifted to the extent necessary to permit all courts and
5 administrative agencies with jurisdiction over any appeal or remand of the FERC Orders to enter
6 final orders relating thereto.

7 4. The 14-day stay under Bankruptcy Rule 4001(a)(3) is hereby waived and this
8 Order shall take effect immediately upon entry.

9 5. This Court shall retain exclusive jurisdiction with respect to all matters arising
10 from or related to the implementation, interpretation, and enforcement of this Order.

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13 **** END OF ORDER ****
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